

may compromise the national security, including sections 641, 793, 794, 798, and 952 of title 18, United States Code, and section 4(b) of the Subversive Activities Act of 1950 (50 U.S.C. 783(b)). The definitions, requirements, obligations, rights, sanctions, and liabilities created by such Executive order and such statutory provisions are incorporated into this agreement and are controlling.”.

(B) ENFORCEABILITY.—Any nondisclosure policy, form, or agreement described under subparagraph (A) that does not contain the statement required under subparagraph (A) may not be implemented or enforced to the extent such policy, form, or agreement is inconsistent with that statement.

(2) PERSONS OTHER THAN GOVERNMENT EMPLOYEES.—Notwithstanding paragraph (1), a nondisclosure policy, form, or agreement that is to be executed by a person connected with the conduct of an intelligence or intelligence-related activity, other than an employee or officer of the United States Government, may contain provisions appropriate to the particular activity for which such document is to be used. Such form or agreement shall, at a minimum, require that the person will not disclose any classified information received in the course of such activity unless specifically authorized to do so by the United States Government. Such nondisclosure forms shall also make it clear that such forms do not bar disclosures to Congress or to an authorized official of an executive agency or the Department of Justice that are essential to reporting a substantial violation of law.

(1) CLARIFICATION OF WHISTLEBLOWER RIGHTS FOR CRITICAL INFRASTRUCTURE INFORMATION.—Section 214(c) of the Homeland Security Act of 2002 (6 U.S.C. 133(c)) is amended by adding at the end the following: “For purposes of this section a permissible use of independently obtained information includes the disclosure of such information under section 2302(b)(8) of title 5, United States Code.”.

(m) ADVISING EMPLOYEES OF RIGHTS.—Section 2302(c) of title 5, United States Code, is amended by inserting “, including how to make a lawful disclosure of information that is specifically required by law or Executive order to be kept secret in the interest of national defense or the conduct of foreign affairs to the Special Counsel, the Inspector General of an agency, Congress, or other agency employee designated to receive such disclosures” after “chapter 12 of this title”.

(n) SCOPE OF DUE PROCESS.—

(1) SPECIAL COUNSEL.—Section 1214(b)(4)(B)(ii) of title 5, United States Code, is amended by inserting “, after a finding that a protected disclosure was a contributing factor,” after “ordered if”.

(2) INDIVIDUAL ACTION.—Section 1221(e)(2) of title 5, United States Code, is amended by inserting “, after a finding that a protected disclosure was a contributing factor,” after “ordered if”.

(o) REPORTING REQUIREMENTS.—

(1) GOVERNMENT ACCOUNTABILITY OFFICE.—

(A) IN GENERAL.—Not later than 40 months after the date of enactment of this Act, the Government Accountability Office shall submit a report to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Oversight and Government Reform of the House of Representatives on the implementation of this Act.

(B) CONTENTS.—The report under this paragraph shall include—

(i) an analysis of any changes in the number of cases filed with the United States Merit Systems Protection Board alleging violations of section 2302(b)(8) or (9) of title 5, United States Code, since the effective date of the Act;

(ii) the outcome of the cases described under clause (i), including whether or not the United States Merit Systems Protection Board, the Federal Circuit Court of Appeals, or any other court determined the allegations to be frivolous or malicious; and

(iii) any other matter as determined by the Government Accountability Office.

(2) MERIT SYSTEMS PROTECTION BOARD.—

(A) IN GENERAL.—Each report submitted annually by the Merit Systems Protection Board under section 1116 of title 31, United States Code, shall, with respect to the period covered by such report, include as an addendum the following:

(i) Information relating to the outcome of cases decided during the applicable year of the report in which violations of section 2302(b)(8) or (9) of title 5, United States Code, were alleged.

(ii) The number of such cases filed in the regional and field offices, the number of petitions for review filed in such cases, and the outcomes of such cases.

(B) FIRST REPORT.—The first report described under subparagraph (A) submitted after the date of enactment of this Act shall include an addendum required under that subparagraph that covers the period beginning on January 1, 2008 through the end of the fiscal year 2008.

(p) EFFECTIVE DATE.—This Act shall take effect 30 days after the date of enactment of this Act.

DR. JAMES ALLEN VETERAN VISION EQUITY ACT OF 2007

Mr. DODD. Mr. President, I ask unanimous consent that the Chair lay before the Senate a message from the House with respect to H.R. 797, the Veterans Vision Impairment.

The Presiding Officer (Mr. SANDERS) laid before the Senate the following message:

H.R. 797

Resolved, That the House agree to the amendment of the Senate to the bill (H.R. 797) entitled “An Act to amend title 38, United States Code, to improve compensation benefits for veterans in certain cases of impairment of vision involving both eyes, to provide for the use of the National Directory of New Hires for income verification purposes, to extend the authority of the Secretary of Veterans Affairs to provide an educational assistance allowance for qualifying work study activities, and to authorize the provision of bronze representations of the letter ‘V’ for the graves of eligible individuals buried in private cemeteries in lieu of Government-provided headstones or markers”, with the following amendments:

In lieu of the matter proposed to be inserted by the amendment of the Senate, insert the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the “Dr. James Allen Veteran Vision Equity Act of 2007”.

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—LOW-VISION BENEFITS MATTERS

Sec. 101. Modification of rate of visual impairment for payment of disability compensation.

Sec. 102. Improvement in compensation for veterans in certain cases of impairment of vision involving both eyes.

TITLE II—MATTERS RELATING TO BURIAL AND MEMORIAL AFFAIRS

Sec. 201. Provision of medallion or other device for privately-purchased grave markers.

Sec. 202. Improvement in provision of assistance to States relating to the interment of veterans in cemeteries other than national cemeteries.

Sec. 203. Modification of authorities on provision of Government headstones and markers for burials of veterans at private cemeteries.

TITLE III—OTHER MATTERS

Sec. 301. Use of national directory of new hires for income verification purposes for certain veterans benefits.

Sec. 302. Extension of authority of Secretary of Veterans Affairs to provide an educational assistance allowance to persons performing qualifying work-study activities.

TITLE I—LOW-VISION BENEFITS MATTERS

SEC. 101. MODIFICATION OF RATE OF VISUAL IMPAIRMENT FOR PAYMENT OF DISABILITY COMPENSATION.

Section 1114(o) of title 38, United States Code, is amended by striking “5/200” and inserting “20/200”.

SEC. 102. IMPROVEMENT IN COMPENSATION FOR VETERANS IN CERTAIN CASES OF IMPAIRMENT OF VISION INVOLVING BOTH EYES.

Section 1160(a)(1) of title 38, United States Code, is amended—

(1) by striking “blindness” both places it appears and inserting “impairment of vision”;

(2) by striking “misconduct;” and inserting “misconduct and—”; and

(3) by adding at the end the following new subparagraphs:

“(A) the impairment of vision in each eye is rated at a visual acuity of 20/200 or less; or

“(B) the peripheral field of vision for each eye is 20 degrees or less;”.

TITLE II—MATTERS RELATING TO BURIAL AND MEMORIAL AFFAIRS

SEC. 201. PROVISION OF MEDALLION OR OTHER DEVICE FOR PRIVATELY-PURCHASED GRAVE MARKERS.

Section 2306(d) of title 38, United States Code, is amended by adding at the end the following new paragraph:

“(5) In lieu of furnishing a headstone or marker under this subsection, the Secretary may furnish, upon request, a medallion or other device of a design determined by the Secretary to signify the deceased’s status as a veteran, to be attached to a headstone or marker furnished at private expense.”.

SEC. 202. IMPROVEMENT IN PROVISION OF ASSISTANCE TO STATES RELATING TO THE INTERMENT OF VETERANS IN CEMETERIES OTHER THAN NATIONAL CEMETERIES.

(a) REPEAL OF TIME LIMITATION FOR STATE FILING FOR REIMBURSEMENT FOR INTERMENT COSTS.—

(1) IN GENERAL.—The second sentence of section 3.1604(d)(2) of title 38, Code of Federal Regulations, shall have no further force or effect as it pertains to unclaimed remains of a deceased veteran.

(2) RETROACTIVE APPLICATION.—Paragraph (1) shall take effect as of October 1, 2006 and apply with respect to interments and inurnments occurring on or after that date.

(b) GRANTS FOR OPERATION AND MAINTENANCE OF STATE VETERANS’ CEMETERIES.—

(1) IN GENERAL.—Subsection (a) of section 2408 of title 38, United States Code, is amended to read as follows:

“(a)(1) Subject to subsection (b), the Secretary may make a grant to any State for the following purposes:

“(A) Establishing, expanding, or improving a veterans’ cemetery owned by the State.

“(B) Operating and maintaining such a cemetery.”

“(2) A grant under paragraph (1) may be made only upon submission of an application to the Secretary in such form and manner, and containing such information, as the Secretary may require.”.

(2) **LIMITATION ON AMOUNTS AWARDED.**—Subsection (e) of such section is amended—

(A) by inserting “(1)” before “Amounts”; and
(B) by adding at the end the following new paragraph:

“(2) In any fiscal year, the aggregate amount of grants awarded under this section for the purposes specified in subsection (a)(1)(B) may not exceed \$5,000,000.”.

(3) **CONFORMING AMENDMENTS.**—Such section is further amended—

(A) in subsection (b)—
(i) by striking “Grants under this section” and inserting “A grant under this section for a purpose described in subsection (a)(1)(A)”; and
(ii) by striking “a grant under this section” each place it appears and inserting “such a grant”;

(B) in subsection (d), by striking “to assist such State in establishing, expanding, or improving a veterans’ cemetery”; and

(C) in subsection (f)(1), by inserting “, or in operating and maintaining such cemeteries,” after “veterans’ cemeteries”.

(4) **REGULATIONS.**—Not later than 180 days after the date of the enactment of this Act, the Secretary of Veterans Affairs shall prescribe regulations to carry out the amendments made by this subsection.

SEC. 203. MODIFICATION OF AUTHORITIES ON PROVISION OF GOVERNMENT HEADSTONES AND MARKERS FOR BURIALS OF VETERANS AT PRIVATE CEMETERIES.

(a) **REPEAL OF EXPIRATION OF AUTHORITY.**—Subsection (d) of section 2306 of title 38, United States Code, as amended by section 201, is further amended—

(1) by striking paragraph (3); and
(2) by redesignating paragraphs (4) and (5), as added by that section, as paragraphs (3) and (4), respectively.

(b) **RETROACTIVE EFFECTIVE DATE.**—Notwithstanding subsection (d) of section 502 of the Veterans Education and Benefits Expansion Act of 2001 (Public Law 107-103; 115 Stat. 995; 38 U.S.C. 2306 note) or any other provision of law, the amendments made by that section and by subsections (a), (b), (c), (d), and (f) of section 402 of the Veterans Benefits, Health Care, and Information Technology Act of 2006 (Public Law 109-461; 120 Stat. 3429) shall take effect as of November 1, 1990, and shall apply with respect to headstones and markers for the graves of individuals dying on or after that date.

TITLE III—OTHER MATTERS

SEC. 301. USE OF NATIONAL DIRECTORY OF NEW HIRES FOR INCOME VERIFICATION PURPOSES FOR CERTAIN VETERANS BENEFITS.

(a) **AUTHORITY FOR INFORMATION COMPARISONS AND DISCLOSURES OF INFORMATION TO ASSIST IN ADMINISTRATION OF CERTAIN VETERANS BENEFITS.**—Section 453(j) of the Social Security Act (42 U.S.C. 653(j)) is amended by adding at the end the following new paragraph:

“(11) **INFORMATION COMPARISONS AND DISCLOSURES TO ASSIST IN ADMINISTRATION OF CERTAIN VETERANS BENEFITS.**—

“(A) **FURNISHING OF INFORMATION BY SECRETARY OF VETERANS AFFAIRS.**—Subject to the provisions of this paragraph, the Secretary of Veterans Affairs shall furnish to the Secretary, on such periodic basis as determined by the Secretary of Veterans Affairs in consultation with the Secretary, information in the custody of the Secretary of Veterans Affairs for comparison with information in the National Directory of New Hires, in order to obtain information in such Directory with respect to individuals who are applying for or receiving—

“(i) needs-based pension benefits provided under chapter 15 of title 38, United States Code, or under any other law administered by the Secretary of Veterans Affairs;

“(ii) parents’ dependency and indemnity compensation provided under section 1315 of title 38, United States Code;

“(iii) health care services furnished under subsections (a)(2)(G), (a)(3), or (b) of section 1710 of title 38, United States Code; or

“(iv) compensation paid under chapter 11 of title 38, United States Code, at the 100 percent rate based solely on unemployability and without regard to the fact that the disability or disabilities are not rated as 100 percent disabling under the rating schedule.

“(B) **REQUIREMENT TO SEEK MINIMUM INFORMATION.**—The Secretary of Veterans Affairs shall seek information pursuant to this paragraph only to the extent necessary to verify the employment and income of individuals described in subparagraph (A).

“(C) **DUTIES OF THE SECRETARY.**—

“(i) **INFORMATION DISCLOSURE.**—The Secretary, in cooperation with the Secretary of Veterans Affairs, shall compare information in the National Directory of New Hires with information provided by the Secretary of Veterans Affairs with respect to individuals described in subparagraph (A), and shall disclose information in such Directory regarding such individuals to the Secretary of Veterans Affairs, in accordance with this paragraph, for the purposes specified in this paragraph.

“(ii) **CONDITION ON DISCLOSURE.**—The Secretary shall make disclosures in accordance with clause (i) only to the extent that the Secretary determines that such disclosures do not interfere with the effective operation of the program under this part.

“(D) **USE OF INFORMATION BY SECRETARY OF VETERANS AFFAIRS.**—The Secretary of Veterans Affairs may use information resulting from a data match pursuant to this paragraph only—

“(i) for the purposes specified in subparagraph (B); and

“(ii) after removal of personal identifiers, to conduct analyses of the employment and income reporting of individuals described in subparagraph (A).

“(E) **REIMBURSEMENT OF HHS COSTS.**—The Secretary of Veterans Affairs shall reimburse the Secretary, in accordance with subsection (k)(3), for the costs incurred by the Secretary in furnishing the information requested under this paragraph.

“(F) **CONSENT.**—The Secretary of Veterans Affairs shall not seek, use, or disclose information under this paragraph relating to an individual without the prior written consent of such individual (or of a person legally authorized to consent on behalf of such individual).

“(G) **EXPIRATION OF AUTHORITY.**—The authority under this paragraph shall expire on September 30, 2011.”.

(b) **AMENDMENTS TO VETERANS AFFAIRS AUTHORITY.**—

(1) **IN GENERAL.**—Chapter 53 of title 38, United States Code, is amended by inserting after section 5317 the following new section:

“§5317A. Use of income information from other agencies: independent verification required before termination or reduction of certain benefits and services

“(a) **INDEPENDENT VERIFICATION REQUIRED.**—The Secretary may terminate, deny, suspend, or reduce any benefit or service specified in section 5317(c), with respect to an individual under age 65 who is an applicant for or recipient of such a benefit or service, by reason of information obtained from the Secretary of Health and Human Services under section 453(j)(11) of the Social Security Act, only if the Secretary takes appropriate steps to verify independently information relating to the individual’s employment and income from employment.

“(b) **OPPORTUNITY TO CONTEST FINDINGS.**—The Secretary shall inform each individual for

whom the Secretary terminates, denies, suspends, or reduces any benefit or service under subsection (a) of the findings made by the Secretary under such subsection on the basis of verified information and shall provide to the individual an opportunity to contest such findings in the same manner as applies to other information and findings relating to eligibility for the benefit or service involved.

“(c) **SOURCE OF FUNDS FOR REIMBURSEMENT TO SECRETARY OF HEALTH AND HUMAN SERVICES.**—The Secretary shall pay the expense of reimbursing the Secretary of Health and Human Services in accordance with section 453(j)(11)(E) of the Social Security Act, for the cost incurred by the Secretary of Health and Human Services in furnishing information requested by the Secretary under section 453(j)(11) of such Act, from amounts available to the Department for the payment of compensation and pensions.

“(d) **EXPIRATION OF AUTHORITY.**—The authority under this section shall expire on September 30, 2011.”.

(2) **CLERICAL AMENDMENT.**—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 5317 the following new item:

“5317A. Use of income information from other agencies: independent verification required before termination or reduction of certain benefits and services.”.

SEC. 302. EXTENSION OF AUTHORITY OF SECRETARY OF VETERANS AFFAIRS TO PROVIDE AN EDUCATIONAL ASSISTANCE ALLOWANCE TO PERSONS PERFORMING QUALIFYING WORK-STUDY ACTIVITIES.

Section 3485(a)(4) of title 38, United States Code, is amended by striking “June 30, 2007” each place it appears and inserting “June 30, 2010”.

Amend the title so as to read: “An Act to amend title 38, United States Code, to improve low-vision benefits matters, matters relating to burial and memorial affairs, and other matters under the laws administered by the Secretary of Veterans Affairs, and for other purposes.”.

Mr. DODD. Mr. President, I ask unanimous consent that the Senate concur in the House amendments to the Senate amendment, and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXCEPTION FOR THE \$1 COIN DISPENSING CAPABILITY REQUIREMENT

Mr. DODD. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calender No. 515, H.R. 3703.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 3703) to amend section 5112(p)(1)(A) of title 31, United States Code, to allow an exception from the \$1 coin dispensing capability requirement for certain vending machines.

There being no objection, the Senate proceeded to consider the bill.

Mr. DODD. Mr. President, I ask unanimous consent that the bill be read the third time, passed, and the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.